

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE BIOPURE CORPORATION
SECURITIES LITIGATION

Civ. No. 03-12628 -NG

**STIPULATION REGARDING CLASS CERTIFICATION DISCOVERY AND
CLASS CERTIFICATION BRIEFING SCHEDULE**

WHEREAS this Court has previously entered a Procedural Order, dated May 2, 2006 (the "May 2nd Order");

WHEREAS the May 2nd Order provided that Defendants could conduct discovery relevant to class certification until June 9, 2006; that Defendants must file their class certification opposition brief(s) on or before June 30, 2006; and that Plaintiffs must file their class certification reply brief on July 28, 2006 (unless Defendants' opposition required Plaintiffs to conduct additional discovery);

THE UNDERSIGNED stipulate and agree, subject to the approval of this Court, as follows:

1. The deadline for Defendants' opposition brief(s) in response to Plaintiffs' class certification motion shall be extended from June 30, 2006 to and including July 25, 2006.
2. The deadline for Plaintiffs' reply brief in support of their class certification motion shall be extended from July 28, 2006 to and including September 11, 2006 (unless Defendants' opposition requires Plaintiffs to conduct additional discovery).
3. The class certification briefing deadlines specified above in Paragraphs

1 and 2 are subject to change, if at all, only in accordance with this Court's rulings on the following outstanding motions: Plaintiffs' Motion for Protective Order (Docket No. 132) and Defendant Biopure Corporation's Motion To Compel Discovery From Named Plaintiffs and For An Extension of the Class Discovery Briefing Schedule (Docket No. 134)(the "Biopure Motion to Compel").

4. Plaintiffs will not object to any third party subpoenas that have been noticed and served prior to the date of this Stipulation on the basis that responding to the subpoena would violate the June 9, 2006 class discovery cut-off date.

5. By agreeing to the provisions of Paragraph 4, Plaintiffs do not concede that Defendants are entitled to any additional post-deadline class certification discovery beyond that referred to in Paragraph 4. Defendants expressly agree not to use this Stipulation as grounds to argue in support of additional class certification discovery.

6. Apart from the third-party discovery referenced in Paragraph 4, Defendants will not seek any additional class certification discovery beyond that sought in the pending Biopure Motion To Compel, unless by leave of Court.

SO STIPULATED AND AGREED, THIS 29TH DAY OF JUNE, 2006:

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SO ORDERED this _____ day of _____, 2006.

U.S.D.J.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above pleading was electronically served upon the attorneys of record for all parties on June 29, 2006.

/s/ Donald J. Savery
Donald J. Savery